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Omer Einav

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EXAMINER

GISHNOCK, NIKOLAI A

ART UNIT

PAPER NUMBER

3715

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,756	Applicant(s) EINAV, OMER	
	Examiner NIKOLAI A. GISHNOCK	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/28/2007; 8/6/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In reply to applicant's response filed 8/7/2006 to the International Search Report, claims 1-36 are pending.

Information Disclosure Statement

1. The information disclosure statement filed 8/6/2008 fails to comply in part with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each publication listed that is not in the English language. The Hebrew-only Russo reference has been placed in the application file, but the non-compliant information referred to therein has not been considered.

Specification

2. The disclosure and claims 2, 4, & 30 are objected to because of the following informalities: The claims recite S.I. (metric) unit measures without reciting English equivalents immediately following and in parenthesis. In order to minimize the necessity in the future for converting dimensions given in the English system of measurements to the metric system of measurements when using printed patents as research and prior art search documents, all patent applicants should use the metric (S.I.) units followed by the equivalent English units when describing their inventions in the specifications of patent applications. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-22 & 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It unclear where there is support in the specification for the limitation of claims 1 & 30 where a fine motion mechanism or actuator has at least five degrees of freedom. See page 4, lines 19-22. *Degrees of freedom* are understood to be the number of independent displacements and rotations that completely specify the displacement and orientation of a mechanical system. As understood from the common meaning of the term, degrees of freedom do not necessarily sum or obey the Commutative property of mathematics. As such, a person skilled in the art would not have gathered that at least three degrees of freedom included at least five degrees of freedom; nor would they have surmised that combining a fine motion mechanism having at least three degrees of freedom with a gross motion mechanism having at least two degrees of freedom meant that the combined mechanism had at least five degrees of freedom (e.g., depending on the way the mechanism is connected, joints may be restrained into dependent lines of action, rather than forming a holonomic, open-kinematic chain). This is a New Matter rejection.

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6. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Support was not found in the specification broadly for where the apparatus comprises an object adapted to be handheld and manipulated and a mechanism coupled to the object for applying force to move the object. The claim as recited includes the human arm manipulating any generic tool. , because the human appendage can be understood as a "fine motion mechanism". The specification fails to support more than an exemplary device using a robotic arm for manipulating either a spoon, chopstick, or a writing instrument. Claims 2-22 inherit this deficiency.

7. Claims 5-9 are further rejected under §112¶1 because the specification, while being enabling for a correct motion generating a musical note for assisting a therapist in tracking a patient's behavior, without crowding or peering at finger movements (spec. at page 21, lines 2-6), support was not found in the instant specification for how the controller analyzes motion [Claim 5] or force applied to the object [Claim 6] to determine at least one characteristic of the person, comprising an emotional state of the person [Claim 7], "as disparate as frustration or relaxation" (spec. at page 9, line 30 through page 10, line 3). In this case, no description of how a person's complex emotional state such as frustration is determined from a handwriting analysis is disclosed; the claims imply that the device is meant to function as a lie detector. Claims 8 & 9 inherit this deficiency.

8. Claims 34-36 are further rejected under §112¶1 because the specification, while being enabling for moving the hand in a desired manner; moving the utensil against the resistance of a patient; nudging the hand in a desired direction; tracking motion and force; assisting the patient; damping forces; correcting hand motions; and integrating into real-world activities (spec.

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at page 1, line 29 through page 13, line 35), support was not found in the instant specification for: assisting only if said act fails to complete [Claim 34]; assisting as a safety measure [Claim 35]; and assisting periodically [Claim 36].

9. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites where "the fine motion mechanismadapted to apply sufficient force to move the object" used in claim 1 is not clear, since the claim does not define the parameter necessary to determine the application of *sufficient* force to the object (e.g. What kind of object is used, how is the object held, or hold much force must the user apply, etc.). Claims 2-22 inherit this deficiency.

10. Regarding claim 33, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invent; it is unclear if the assistance provided includes arm-only, finger-only or both.

11. Claim 20 further recites the limitation "a person having said fingers" in line 2. There is insufficient antecedent basis for this limitation in the claims 1 & 20. Claim 34 further recites the limitation "said act" in line 2. There is insufficient antecedent basis for this limitation in the claims 33 & 34.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 1, 5, 6, 8-11, 16, 17, 20, & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Karmin (US 3,929,462 A), hereinafter known as Karmin.

14. Karmin teaches an apparatus for rehabilitation (1:27-30), comprising: an object adapted to be hand-held by a person and manipulated using the fingers to perform a task (a compact apparatus which accurately transmits movement at one stylus to movement at another, 1:39-52); and a fine motion mechanism coupled to said object and adapted to apply sufficient force to move the object in at least five degrees of freedom (see Figures 1 & 3, including dowel pin pivots ({Items 6A & 6B} arms {Items 7A & 7B}, and clamp blocks (23A & 24A); further see 1:63-65; the stylus may be lifted in a direction parallel to dowel pins; it is apparent from Figure 1 that the device has five degrees of freedom ({2 from translation of dowel pins, 2 from rotation of clamp blocks, and one from lifting the stylus})) [Claim 1].

15. Karmin teaches a controller that analyzes motion and force applied to the object of the object to determine at least one characteristic of the person (1:21-30; being left-handed or right-handed; as well as having had a stroke; are understood to be characteristics of a person) [Claims 5 & 6].

16. Karmin teaches wherein said controller has stored patterns of motion therein [Claim 8], wherein said patterns include writing patterns [Claim 9] (the stylus records its motion on the recording materials, 4:4-6; see also 3:8-9) [Claims 8 & 9].

17. Karmin teaches wherein said fine motion mechanism resists motion of said object by the person [Claim 10]; wherein said fine motion mechanism applies resistance to motion of said object [Claim 11], and wherein said fine motion mechanism damps motion of said object [Claim 16] (device provides uniform resistance to motion in any direction within the plane of movement, 1:43-45) [Claims 10, 11, & 16].

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18. Karmin teaches a gross motion mechanism adapted to move said fine motion mechanism, in at least 2 degrees of freedom (all at 2:23-3:14; see also Figures 1 & 3; four-bar mechanism composed of arms 7A & 7B and dowel pins 6A & 6B are understood to be a gross movement mechanism, whereas clamp block mechanism 23A & 24A are understood to be fine motion portion of the device) [Claim 17].

19. Karmin teaches a separate gross motion mechanism adapted to be attached to a person having said fingers and whose movement is coordinated with movement of said object (a hand holds the stylus, 3:11-14; see also 1: 49-52) [Claim 20].

20. Karmin teaches a surface for said object to touch and which surface also functions as a display (recording materials 4:4-6; see also 3:8-9 and Figure 1, Items 14A & 14B; a writing surface is broadly understood to display the writing) [Claim 21].

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

23. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmin.

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24. Karmin teaches wherein said object is adapted to be translated along a surface (the stylus records its movements on recording materials 4:4-6; see also Figure 1, items 14A & 14 B; see also 1:49-52) [Claim 3].

25. What Karmin fails to teach is wherein said apparatus weighs less than 30 kg [Claim 2], or wherein said mechanism has a range of motion of less than 20 cm [Claim 4]. However, Applicant has not disclosed that having the apparatus weighs less than 30 kg or has a range of motion of less than 20 cm solves any stated problem or is for any particular purpose. Moreover, it appears that the writing mechanism of Karmin or the Applicant's instant invention would perform equally well for practicing the motion of writing, because a typical piece of paper is less than 20 cm to a side, while a typical pen weighs less than 30 kg; as such, following these constraints allows a user to reproduce the movements more accurately emulating the motions used when actually writing. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Karmin such that the apparatus weighs less than 30 kg or has a range of motion of less than 20 cm, because such a modification would have been considered a mere design choice, which fails to patentably distinguish over Karmin [Claims 2-4].

26. Claims 7, 12-15, 22, 30, 31, 33, 34, & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmin, in view of Park (US 5,397,865 A), hereinafter known as Park.

27. Karmin teaches all the features of claims 1, as demonstrated above. What Karmin fails to teach is wherein said fine motion mechanism assists with the movement of said object [Claim 12], wherein said object is equipped with at least one feedback source which imparts a stimulus to a user of the apparatus [Claim 13]. However, Park teaches a force device for applying a "bucking" force to resist motion of the writing arm segment (8:4-10; see also Figure 1c & 1d,

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Item 170). It would have been a simple matter to merely incorporate the motor of Park for providing force feedback into the joints of the writing teaching device of Karmin, in order to provide mechanical resistance to the motion of the device for correcting the user. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have the fine motion mechanism of Karmin equipped with at least one feedback source which imparts a stimulus to a user of the apparatus and to assist with the movement of said object, in order to prevent the user from straying too far above a predetermined threshold from a line when writing [Claims 12 & 13].

28. Karmin teaches at least one sensor to track motion of said object [Claim 14], or to track force applied to said object [Claim 15]. However, Park teaches angular displacement sensors (Figures 1c & 1d) which determine when to provide the user with effective cues as to correct responses in an efficient, ergonomic manner (2:65-3:2; 6:33-40; see also 6:61-7:2). It would have been a simple matter to merely have provided the sensors taught in the writing rehabilitation device of Park in the respective joints of Karmin, in order to sense when a correction of the user's movements was warranted. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated sensors such as is taught for the pivots of the device of Park into the writing training system of Karmin, in order to cue a user to the correct movements of writing in an efficient and ergonomic manner [Claims 14 & 15].

29. Karmin further teaches all the limitations of claim 21. What Karmin further fails to teach is wherein said surface comprises a tablet computer [Claim 22]. However, Park teaches where the writing surface may be a computer display (8:68-9:2), including a store-as-you-write notebook computer or a pen computer (12:45-59; a pen computer is at least understood to be a tablet computer). It would have been a simple matter to merely have substituted the pen

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computer of Park for the recording sheet taught in the writing learning device of Karmin, in order to incorporate an intelligent input device for using painting or other image-creation programs.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have merely substituted the recording surface of the writing training device of Karmin for the pen computer of Park, in order to enable the writing surface for use as a display [Claim 22].

30. What Karmin further fails to teach is wherein the characteristic comprises an emotional state of the person [Claim 7]. However, Park teaches using a speech/sound generator and a speaker to generate spoken messages and audible tones under the control of a computer processor 9:2-6) for providing positive reinforcement (such as the words, “very good” or a success tone, 9:40-60). It would have been a simple matter to merely have used the audio system to alert a user that he is staying within the line threshold established by the computer processor, thus determining an emotional state such as “distracted”. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to to have incorporated the sound cue generator and speaker system components of Park into the writing rehabilitation device of Karmin, in order to establish an emotional state of a user, such as “distraction” [Claims 7].

31. Karmin and Park teach a method of fine motor control rehabilitation and a method of assisting a person in a daily task that involves controlling arm and finger motion, having at least five degrees of freedom of motion, comprising: determining at least one characteristic of the task (object data information for writing and drawing, Park at 8:55-9:60; see also Figure 2) and providing an object to be manipulated by fingers of a patient; and controlling a robotic actuator coupled to the object to provide assistance to movement of the object (Park at 7:58-8:10; see also Figure 1c) [Claims 30 & 33].

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32. What Karmin and Park fail to teach is where said actuator provides a range of motion to the object limited to less than 30 cm [Claim 30]. However, Applicant has not disclosed that the apparatus having a range of motion of less than 30 cm solves any stated problem or is for any particular purpose. Moreover, it appears that the writing mechanism of Karmin and Park or the Applicant's instant invention would perform equally well for practicing the motion of writing, because a typical piece of paper is less than 30 cm to a side; as such, following these constraints allows a user to reproduce the movements more accurately emulating the motions used when actually writing. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Karmin and Park such that the apparatus has a range of motion of less than 30 cm, because such a modification would have been considered a mere design choice, which fails to patentably distinguish over Karmin and Park [Claim 30].

33. Karmin teaches wherein said assisted motion comprises writing (1:33-38) [Claim 31].

34. What Karmin further fails to teach is assisting only if said act fails to complete [Claim 34]; or assisting periodically as part of a rehabilitation process [Claim 36]. However, Park teaches where a computer controller provides constructive criticism only when a task, such as connecting the dots, is not successfully completed (3:51-56). Park further teaches where computer instructs the user to "draw a triangle" (3:57-63; this is understood to occur only when applicable, or periodically). It would have been a simple matter to merely have controlled the writing in the device of Karmin to periodically assist the user when applicable, or to assist by giving constructive criticism only when an action is unsuccessfully completed, in order to assist a user in a timely manner without over-assisting. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to assist the user periodically, or

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only when the act is not completed successfully, as taught by Park, in the writing rehabilitation device of Karmin, in order not to annoy the user with ill-timed assistance [Claims 34 & 36].

35. Claims 18 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmin, in view of Osborne, Jr. (US 6,592,315 B2), hereinafter known as Osborne Jr.

36. Karmin teaches all the features of claims 1 & 17. What Karmin fails to teach is wherein said gross motion mechanism is adapted to move said object from a table to a mouth of a patient [Claim 18]. However, Osborne Jr. teaches a robotic arm device for assisting a user in eating food from a plate located on a table (Figure 1, Items 28 & 44). It would have been a simple matter to merely have adapted Karmin's mechanism in the arrangement of Osborne Jr.'s eating device in any number of degrees of freedom. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to merely have used the gross movement mechanism described by Karmin, using dowel pins in a four-bar-type mechanism, in the robotic arm of Osbourne Jr. for the purpose of training a user how to lift food from a table to his mouth during eating rather than pushing a pen around on a piece of paper [Claim 18].

37. Karmin further fails to teach wherein said object comprises a chopstick [Claim 19]. However, Osborne Jr. teaches a device which can use chopsticks (14:39-40). It would have been a simple matter to merely have substituted the object in Karmin for a chopstick, in order to select the appropriate tool for a task to be learned (noting that chopsticks may be used for tasks other than eating). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have merely substituted the stylus of Karmin for the chopstick of Osborne, Jr., in order to allow the user the correct job for the task to be learned [Claim 19].

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38. Claims 23-29, 32, & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmin and Park as applied to claims 1, 7, 12-15, & 22 above, and further in view of Osborne Jr.

39. Karmin and Park teach all the features of claims 1, 3, 6, -8, 12-15, 20, & 22, including an apparatus for rehabilitating motor control functions related to writing, comprising: a surface; a stylus extending upwards from the surface; and a motion mechanism that is adapted to change the orientation of the pen relative to the surface [Claim 23]; wherein said motion mechanism is adapted to move said stylus on said surface [Claim 24]; wherein said motion mechanism is adapted to be moved by a person holding the stylus [Claim 25]; wherein said apparatus is adapted to measure a force applied to said stylus [Claim 26]; wherein said apparatus comprises a controller having at least one pattern of motion stored therein [Claim 27]; and wherein said controller controls said motion mechanism responsive to said pattern [Claim 28].

40. What Karmin and Park fail to teach is where a motion mechanism located under the surface [Claims 23-28]. However, Osborne Jr. teaches a robotic device for self-feeding, in which the robot arm is set upon or mounted to the floor, underneath a plate surface (13:25-28). It would have been a simple matter to merely have mounted the mechanism of Park or Karmin to the floor or the underside of a table, under the work surface, in order to save space on a table top for performing the user operation, in order to increase the comfort of the user when using the device. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have mounted the mechanism for writing training of Karmin under the table or on the floor, as taught by Osborne Jr., in light of the teachings of Park, in order to free additional table space for increasing a user's comfort when performing the training motion [Claims 23-28].

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41. What Karmin fails to teach is wherein said controller measures a mental state of a patient responsive to motion of said motion mechanism [Claim 29]. However, Park teaches using a speech/sound generator and a speaker to generate spoken messages and audible tones under the control of a computer processor (9:2-6) for providing positive reinforcement (such as the words, "very good" or a success tone, 9:40-60). It would have been a simple matter to merely have used the audio system to alert a user that he is staying within the line threshold established by the computer processor, thus determining an emotional state such as "distracted". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the sound cue generator and speaker system components of Park into the writing rehabilitation device of Karmin, in order to establish an emotional state of a user, such as "distraction" [Claim 29].

42. What Karmin and Park fail to teach is wherein said assisted motion comprises eating [Claim 32]. However, Osborne Jr. teaches a robotic arm device for assisting a user in eating food from a plate located on a table (Figure 1, Items 28 & 44). It would have been a simple matter to merely have adapted Karmin's mechanism in the arrangement of Osborne Jr.'s eating device in any number of degrees of freedom. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to merely have used the gross movement mechanism described by Karmin, using dowel pins in a four-bar-type mechanism, in the robotic arm of Osbourne Jr., in light of the teachings of Park, for the purpose of training a user how to lift food from a table to his mouth during eating rather than pushing a pen around on a piece of paper [Claim 32].

43. What Karmin and Park further fail to teach is assisting as a safety measure [Claim 35]. However, Osborne Jr. teaches assisting the user such that the user's attention is taxed very little (8:27-35). Lax attention is understood to be a common safety issue. It would have been a

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simple matter to merely have the writing assistance device of Karmin and Park perform for safety reasons, in order to allow a user to fix his attention elsewhere without injuring themselves during a task. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have merely performed the task of Karmin and Park for safety reasons, as taught by Osborne Jr. in order to prevent injury during the learning of a task [Claim 35].

Response to Arguments

44. Applicant's arguments filed 8/7/2006 with respect to claims 1-36 are have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKOLAI A. GISHNOCK whose telephone number is (571)272-1420. The examiner can normally be reached on M-F 11:00a-7:30p EST (8:00a-4:30p PST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/8/2010
/Nikolai A Gishnock/
Examiner, Art Unit 3715